

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Jamie Starnes,

Plaintiff,

v.

Harrell Industries, Inc.,

Defendant.

C/A No.: 0:13-01109-JFA-KDW

ORDER

Plaintiff Jamie Starnes (“Plaintiff”) brings the above-captioned case against his former employer, Harrell Industries, Inc. (“Defendant”). In his complaint, Plaintiff asserts that he was terminated in violation of the Americans with Disabilities Act (“ADA”). This matter is before the court on Defendant’s motion for an “Order Dismissing the Complaint, Staying Discovery, and Compelling Arbitration.” *See* ECF No. 5.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she recommends that the court grant, in part, and deny, in part, Defendant’s motion. Specifically, the Magistrate Judge recommended that the portion of Defendant’s Motion seeking to stay discovery and compel arbitration be *granted* and that the portion of the Motion seeking to dismiss Plaintiff’s Complaint be *denied*. The Magistrate Judge also recommended staying the entire litigation pending arbitration. The Report and

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Recommendation sets forth the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

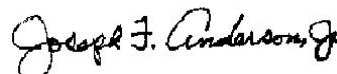
The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on August 30, 2013. However, neither party filed objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference in its entirety.

Accordingly, the portion of Defendant's Motion seeking to stay discovery and compel arbitration is *granted* and the portion of the Motion seeking to dismiss Plaintiff's Complaint is *denied*. Further, the entire litigation is stayed pending arbitration.

IT IS SO ORDERED.

January 9, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge